BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of Clinical Nurse Specialist & §
Registered Nurse License Number 723743 §
issued to EDMUND ALBERT BOULEY §

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Clinical Nurse Specialist and Registered Nurse License Number 723743, issued to EDMUND ALBERT BOULEY, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Respondent is currently licensed to practice as a Psychiatric/Mental Health Clinical Nurse Specialist with Prescriptive Authority and as a Registered Nurse in the State of Texas.

2. Respondent waived representation by counsel, informal proceedings, notice and hearing.

3. Respondent received a Baccalaureate Degree in Nursing from Columbia University, New York, New York, on May 9, 1986, and received a Certificate as a Clinical Nurse Specialist in Psychiatric/Mental Health Nursing from Columbia University, New York, New York, in May 1990. Respondent was licensed to practice professional nursing in the State of Texas on January 26, 2006, and became Board recognized as a Clinical Nurse Specialist in Psychiatric/Mental Health in the State of Texas on February 13, 2006 and granted prescriptive authority on May 18, 2007.

4. Respondent's complete nursing employment history is unknown.

5. On or about June 12, 2007, Respondent was issued an Agreed Order of the Board sanctioning Respondent's license and conditionally granting his prescriptive authority. A copy of the Findings of Fact, Conclusions of Law and Order dated June 12, 2007, is attached and incorporated herein by reference as part of this Order.

6. On or about October 11, 2006, Respondent received a Consent Agreement for Reprimand from the Massachusetts Board of Nursing wherein Respondent's license to practice professional nursing in the State of Massachusetts was issued a Reprimand for Unprofessional Conduct. A copy of the Consent Agreement for Reprimand, dated October 11, 2006 is attached and incorporated by reference as part of this Order.

7. On or about July 10, 2008, Respondent submitted an online renewal application to the Texas Board of Nursing - Online Renewal Document Registered Nurse With Advanced Practice Authorization in which Respondent provided false, deceptive, and/or misleading information, in that Respondent answered "no" to the following question:

   "Has **any** licensing authority refused to issue you a license or ever revoked, annulled, cancelled, accepted surrender of, suspended, placed on probation, refused to renew a nursing license, certificate or multi-state privilege held by you now or previously, or ever fined, censured, reprimanded or otherwise disciplined you?"

   Respondent failed to disclose that on or about October 11, 2006, Respondent was issued a Consent Agreement for Reprimand from the Massachusetts Board of Nursing wherein Respondent's license to practice professional nursing in the State of Massachusetts was issued a Reprimand for Unprofessional Conduct. Respondent's conduct was deceiving and may have affected the Board's decision to renew his license.

8. On or about July 7, 2010, Respondent submitted an online renewal application to the Texas Board of Nursing - Online Renewal Document Registered Nurse With Advanced Practice Authorization in which Respondent provided false, deceptive, and/or misleading information, in that Respondent answered "no" to the following question:

   "Has **any** licensing authority refused to issue you a license or ever revoked, annulled, cancelled, accepted surrender of, suspended, placed on probation, refused to renew a nursing license, certificate or multi-state privilege held by you now or previously, or ever fined, censured, reprimanded or otherwise disciplined you?"

   Respondent failed to disclose that on or about October 11, 2006, Respondent was issued a Consent Agreement for Reprimand from the Massachusetts Board of Nursing wherein Respondent's license to practice professional nursing in the State of Massachusetts was issued a Reprimand for Unprofessional Conduct. Respondent's conduct was deceiving and may have affected the Board's decision to renew his license.

9. On or about August 5, 2012, Respondent submitted an online renewal application to the Texas Board of Nursing - Online Renewal Document Registered Nurse With Advanced Practice Authorization in which Respondent provided false, deceptive, and/or misleading information, in that Respondent answered "no" to the following question:

> "Has **any** licensing authority refused to issue you a license or ever revoked, annulled, cancelled, accepted surrender of, suspended, placed on probation, refused to renew a nursing license, certificate or multi-state privilege held by you now or previously, or ever fined, censured, reprimanded or otherwise disciplined you?"

Respondent failed to disclose that on or about October 11, 2006, Respondent was issued a Consent Agreement for Reprimand from the Massachusetts Board of Nursing wherein Respondent's license to practice professional nursing in the State of Massachusetts was issued a Reprimand for Unprofessional Conduct. Respondent's conduct was deceiving and may have affected the Board's decision to renew his license.

10. On or about December 6, 2012, Respondent received a Stipulation and Consent Order from the Minnesota Board of Nursing wherein Respondent's license to practice professional nursing in the State of Minnesota was accepted for Voluntary Surrender. A copy of the Stipulation and Consent Order issued by the Minnesota Board of Nursing , dated December 6, 2012, is attached and incorporated by reference as part of this Order.

11. On January 18, 2013, the Board received a notarized statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's notarized statement, dated January 15, 2013, is attached and incorporated herein by reference as part of this Order.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.

2. Notice was served in accordance with law.

3. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE §217.12(4),(6)(H)&(I).

4. The evidence received is sufficient cause pursuant to Section 301.452(b)(2),(8)&(10), Texas Occupations Code, to take disciplinary action against Clinical Nurse Specialist with Prescriptive Authority and Registered Nurse License Number 723743, heretofore issued to EDMUND ALBERT BOULEY, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.

6. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.

7. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC§§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Clinical Nurse Specialist with Prescriptive Authority and Registered Nurse License Number 723743, heretofore issued to EDMUND ALBERT BOULEY, to practice nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional nursing, use the title of registered nurse or Clinical Nurse Specialist, the abbreviation RN or CNS or wear any insignia identifying himself as a registered nurse or Clinical Nurse Specialist or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse or Clinical Nurse Specialist during the period in which the license is surrendered.

2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order.

3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

Effective this 5th day of February, 2013.

TEXAS BOARD OF NURSING

By: Katherine A. Thomas

Katherine A. Thomas, MN, RN, FAAN
Executive Director on behalf
of said Board

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
****

In the Matter of Registered Nurse	§	AGREED
License Number 723743	§	
Issued to EDMUND ALBERT BOULEY	§	ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafi referred to as the Board, considered the matter of EDMUND ALBERT BOULEY, Register Nurse License Number 723743, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived informal conference, notice and hearing, and agreed to the entry of this Order offered on April 6, 2007, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.

2. Respondent waived informal conference, notice and hearing, and agreed to the entry of this Order.

3. Respondent is currently licensed to practice professional nursing in the State of Texas.

4. Respondent received a Baccalaureate Degree in Nursing from Columbia University, New York, New York, on May 9, 1986, and received a Certificate as a Clinical Nurse Specialist in Psychiatric/Mental Health Nursing from Columbia University, New York, New York, in May 1990. Respondent was licensed to practice professional nursing in the State of New York on September 2, 1986, was licensed to practice professional nursing in the State of Massachusetts on September 29, 1989, was licensed to practice professional nursing in the State of Maine on April 6, 1992, was licensed to practice professional nursing in the State of Florida on September 22, 2004, was licensed to practice professional nursing in the State of Texas on January 26, 2006, and became Board recognized as a Clinical Nurse Specialist in Psychiatric/Mental Health in the State of Texas on February 13, 2006.

5. Respondent's nursing employment history includes:

09/1986 - 09/1997	Unknown	
10/1997 - 06/2002	Clinical Nurse Specialist (CNS)	Behavioral Health Network Springfield, Massachusetts
12/1999 - 03/2006	Staff Nurse, RN	Wing Hospital Worcester, Massachusetts
05/2002 - 12/2004	CNS	Berkshire Health Systems Pittsfield, Massachusetts
09/2005 - 03/2006	CNS	Great Brook Valley Health Ctr. Worcester, Massachusetts
04/2006 - 11/2006	CNS in Psychiatric/ Mental Health	Hill Country Mental Health Mental Retardation (MHMR) Mental Health Clinic Kerrville, Texas
12/2006 - Present	Unknown	

6. On or about November 26, 2005, Respondent submitted an Application for Authorization to Practice as an Advanced Practice Nurse and Prescriptive Authority as a CNS in Psychiatric/Mental Health to the Board, and on February 13, 2006, Respondent received Board recognition and authorization to practice as a CNS in Psychiatric/Mental Health.

7. On or about February 19, 2006, Respondent submitted to the Board a Petition for Exception requesting the Board waive the minimum educational requirements for approval for Prescriptive Authority in the role of Clinical Nurse Specialist.

8. On or about March 3, 2006, Respondent was notified that the Board had at that time made no determination regarding his eligibility for Prescriptive Authority because the review of his initial application had not yet been completed. Respondent was notified that should his initial application be denied, his Petition for Exception would then be submitted for determination by the Board.

9. At the time of the incident in Finding of Fact Number Ten (10), Respondent was employed as a CNS in Psychiatric/Mental Health with Hill Country MHMR Mental Health Clinic, Kerrville, Texas, and had been in this position for less than (1) month.

10. On or about April 1, 2006, through November 17, 2006, while employed as a CNS in Psychiatric/Mental Health with Hill Country MHMR Mental Health Clinic, Kerrville, Texas, Respondent managed medical aspects of patient care without protocols and/or other documented physician delegation that had been appropriately reviewed and signed by both Respondent and by his delegating physician(s), as required. Respondent's conduct was likely to injure patients from reactions and/or complications due to possibly inappropriate medical care delivered without the benefit of a physician's expertise.

11. On or about April 5, 2006, through September 12, 2006, while employed as a CNS in Psychiatric/Mental Health with Hill Country MHMR Mental Health Clinic, Kerrville, Texas, Respondent distributed prescription drug samples of psychiatric medications to patients without Prescriptive Authorization from the Board, as required. Respondent's conduct was likely to injure patients from reactions and/or complications due to inappropriate medications.

12. On or about April 25, 2006, Respondent was notified that his initial Application for Prescriptive Authority to the Board had been denied on the basis that Respondent had not completed separate, dedicated, graduate level nursing courses in advanced assessment and pharmacotherapeutics, each of which must be at least forty-five (45) clock hours in length. Respondent was informed that staff would proceed with submitting his Petition for Exception to the petition review committee for their recommendation to the Board.

13. On or about May 2006 through November 2006, while employed as a CNS in Psychiatric/Mental Health with Hill Country MHMR Mental Health Clinic, Kerrville, Texas, Respondent wrote medication orders for patients, including both orders to start new medications and orders to discontinue medications, without Prescriptive Authority from the Board, as required. Respondent's conduct was likely to injure patients from reactions and/or complications due to inappropriate medications.

14. On or about June 14, 2006, Respondent was notified that the petition review committee had completed their review of his Petition for Exception regarding Prescriptive Authority and that their unanimous recommendation to the Board would be that the Board deny his Petition.

15. On or about July 21, 2006, Respondent appeared before the Board to discuss his Petition for Exception regarding Prescriptive Authority and to answer questions, and was present when the Board voted to deny his Petition. On August 25, 2006, Respondent was notified in writing of the Board's denial of his Petition.

16. On or about August 31, 2006, while employed as a CNS in Psychiatric/Mental Health with Hill Country MHMR Mental Health Clinic, Kerrville, Texas, Respondent either:
    - Falsely documented in the medical record that he obtained a Telephone Order from the physician to discontinue Celexa and Zyprexa for Patient 37366 and to start the patient on Wellbutrin XL and Rozerem; or

- Failed to document in the medical record that he collaborated and consulted with a physician regarding changing the medications of Patient 37366, including that he communicated his assessment findings to the physician as well as the physician's rationale and instructions for revising the patient's medication regimen, as required.

Respondent's conduct was deceptive, resulted in an inaccurate and/or incomplete medical record, as was likely to injure the patient in that subsequent care givers would not have precise information on which to base their care decisions.

17. On or about January 5, 2007, Respondent submitted acceptable transcripts to the Board indicating that he had successfully completed suitable courses in advanced assessment and pharmacotherapeutics, as required for Prescriptive Authority.

18. On or about March 22, 2007, Respondent successfully completed a Board-approved class in Texas nursing jurisprudence, which would have been a requirement of this Order.

19. On or about April 6, 2007, Respondent submitted to the Board an acceptable, new Application for Prescriptive Authority for Advanced Practice Nurses. Based upon review of Respondent's new application, it appears that Respondent has met the requirements for Prescriptive Authority in the State of Texas as a CNS in Psychiatric/Mental Health.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.

2. Notice was served in accordance with law.

3. The evidence received is sufficient to prove violations of Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§ 217.11(1)(A),(1)(D)&(4)(B), 217.12(1)(B)&(6)(A), 221.13(d), 222.2 and 222.11.

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 723743, heretofore issued to EDMUND ALBERT BOULEY, including revocation of Respondent's license to practice nursing in the State of Texas.

5. The Board may probate the denial of a license or advanced practice authorization under conditions for a specified term pursuant to Section 301.453, Texas Occupations Code.

6. This Order is conditioned upon the accuracy and completeness of Respondent's disclosures. Any subsequently discovered discrepancies will result in investigation and disciplinary action.

7. Respondent shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452 *et seq.*, Texas Occupations Code.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that RESPONDENT'S application for Prescriptive Authority in the role of Clinical Nurse Specialist in Psychiatric/Mental Health is hereby conditionally GRANTED and shall be subject to the following conditions:

(1) RESPONDENT SHALL obtain and read the Texas Nursing Practice Act, and the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice.

(2) Upon payment of the necessary fees, RESPONDENT SHALL be issued Prescriptive Authority in the role of Clinical Nurse Specialist in Psychiatric/Mental Health.

(3) RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of REPRIMAND WITH STIPULATIONS, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice nursing in compact states.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(4) RESPONDENT SHALL deliver the wallet-sized license issued to EDMUND ALBERT BOULEY, to the office of the Board of Nurse Examiners within ten (10) days from the date of ratification of this Order for appropriate notation.

(5) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address: http://www.bne.state.tx.us/about/stipscourses.html.*

(6) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. The course shall be a minimum of six (6) contact hours in length. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: principles of nursing ethics; confidentiality; and professional boundaries. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to verify RESPONDENT's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board-approved courses may be found at the following Board website address: http://www.bne.state.tx.us/about/stipscourses.html.*

(7) RESPONDENT SHALL pay a monetary fine in the amount of two thousand five hundred dollars ($2,500.00). RESPONDENT SHALL pay this fine within one hundred eighty (180) days of entry of this Order Payment is to be made directly to the Board of Nurse Examiners in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS AN ADVANCED PRACTICE NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE

STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WITH ADVANCED PRACTICE AUTHORIZATION WILL NOT APPLY TO THIS STIPULATION PERIOD:

(8) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the probation conditions on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the probation conditions on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(9) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(10) RESPONDENT'S practice of professional nursing will be monitored for one (1) year by an Advanced Practice Nurse in the appropriate psychiatric specialty or a Physician proficient in the appropriate psychiatric area approved by the Board. Within ten (10) days of receipt of this Order, RESPONDENT must provide a list of three (3) Physicians and/or three (3) Advanced Practice Nurses from which the Board shall select. For the Physician and/or Advanced Practice Nurse, the

list must include the following for each: name, license number or social security number, educational background and professional employment history. Monitoring shall commence no later than thirty (30) days following the date of RESPONDENT's receipt of the name of the monitor selected by the Board. The monitor will offer guidance, advice and assistance to the RESPONDENT as necessary to ensure that deficiencies such as those set forth in this Order do not reoccur. RESPONDENT SHALL meet with the monitor at least twice a month, at least one (1) hour duration each. RESPONDENT SHALL ensure that the monitor submits reports, addressing RESPONDENT's progress in overcoming these deficiencies to the office of the Board at the end of each three (3) months for the one (1) year stipulation period. Meetings may be longer and more frequent if the monitor determines necessary. Multiple employers are prohibited.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 16 day of May, 2007.

Edmund Albert Bouley

EDMUND ALBERT BOULEY, Respondent

Sworn to and subscribed before me this 16 day of May, 2007.

SEAL
ELNAVAE M. STOKES
Notary Public, State of Texas
My Commission Expires
OCTOBER 2, 2010

Elnavae Stokes

Notary Public in and for the State of Texas

Approved as to ~~form and substance~~.

Louis Leichter, Attorney for Respondent

Signed this 16 day of May, 2007

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 16th day of May, 2007, by EDMUND ALBERT BOULEY, Registered Nurse License Number 723743, and said Order is final.

Effective this 12th day of June, 2007.

Katherine A. Thomas, MN, RN
Executive Director on behalf
of said Board

The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
Division of Health Professions Licensure
239 Causeway Street, Suite 500, 5th Floor, Boston, MA 02114
(617) 973-0800
(617) 973-0988 TTY

Office of Public Protection
Phone: (617) 973-0865 Fax: (617) 973-0985

January 10, 2013

Bonnie Krznarich
Texas Board of Nursing
Enforcement Division
333 Guadalupe Street, Suite 3-460
Austin, TX 78701

RE: Edmund Bouley, RN192237
Complaint Number: RN-06-039

Dear Ms. Krznarich:

As the manager of public records requests, I hereby certify that these copies are true and certified as marked with the seal of the Board of Nursing.

If you have any questions or concerns, please do not hesitate to contact me at 617-973-0874.

Sincerely,

Charlena Benjamin
Program Analyst

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN NURSING

In the Matter of
Edmund Bouley
RN/PC License No. 192237

Docket No. RN-06-039

CONSENT AGREEMENT FOR REPRIMAND

The Massachusetts Board of Registration in Nursing (Board) and Edmund Bouley (Licensee), a Registered Nurse (RN) licensed by the Board, License No. 192237, and authorized by the Board as a Psychiatric Clinical Nurse Specialist (PC) do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the Licensee's record maintained by the Board:

1. The Licensee agrees that this Consent Agreement for Reprimand (Reprimand Agreement) is entered into in resolution of the Board's investigation of a complaint filed against his Massachusetts nursing license, Docket No. RN-06-039.

2. The Licensee acknowledges that his conduct, as documented in Docket No. RN-06-039, constitutes failure to comply with Massachusetts General Laws (G.L.) Chapter 112, section 74 and the Board's Standards of Conduct at 244 Code of Massachusetts Regulations (CMR) 9.03(47), and warrants disciplinary action by the Board under G. L. c. 112, § 61 and Board regulations at 244 CMR 7.04, Disciplinary Actions. Specifically, the Licensee admits that during or about June 14, 2005, while licensed in Massachusetts as a Registered Nurse and authorized by the Board as a Psychiatric Clinical Nurse Specialist (PC) he pled guilty to, or admitted to sufficient facts on, a criminal charge of Sexual Conduct for a Fee, which was continued without a finding until August 5, 2005 when it was dismissed.

3. The Licensee agrees that the Board hereby imposes a REPRIMAND on his Massachusetts nursing license as authorized by 244 CMR 7.04(1) for his conduct acknowledged above in paragraph 2, which is effective as of the date on which this Reprimand Agreement is signed by the Board (Effective Date).

4. The Board agrees that in return for the Licensee's execution of this Reprimand Agreement it will not pursue further disciplinary action against his license in connection with Docket No. RN-06-039.

5. The Licensee understands and agrees that entering into this Reprimand Agreement is a final act, which is not subject to reconsideration, appeal or judicial review.

6. Licensee states that he has used legal counsel in connection with his decision to enter into this Reprimand Agreement or, if he has not used legal counsel, that the decision not to do so has been one taken of his own free will.

7. The Licensee understands and agrees that after its Effective Date, the Reprimand Agreement constitutes a public record evidencing disciplinary action by the Board and that the Board may forward a copy of this Agreement to other licensing boards, law enforcement entities, or any other person or entity as required or permitted by law.

8. The Licensee agrees to return to the Board, either by hand or certified mail, two (2) duplicate originals of this Reprimand Agreement signed, witnessed and dated, within fifteen (15) days of his receipt of the proposed Agreement from the Board.

9. The Licensee certifies that he has read this document entitled "Consent Agreement for Reprimand." Licensee understands that he has a right to a formal adjudicatory hearing concerning the allegations against him and that during said adjudication he would possess the right to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on his own behalf, to contest the allegations, to present oral argument, to appeal to the courts, and all other rights as set forth in the Massachusetts Administrative Procedures Act, G. L. c. 30A, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01 *et seq.* The Licensee further agrees that he understands that in executing this Reprimand Agreement he is knowingly and voluntarily waiving his right to a formal adjudication of the above-referenced complaint and to all of the related rights listed above.

Dorothy Bouley 10/4/06
Witness (sign and date)

Edmund Bouley, RN/PC 10/4/06
Licensee (sign and date)

Witness (print name)

Rula Harb, MSN, RN
Executive Director
Board of Registration in Nursing

October 11, 2006
Effective Date of Reprimand Agreement

Fully Signed Agreement Sent to Licensee by Certified Mail No. 7005 1820 0001 9529 7824

BEFORE THE MINNESOTA

BOARD OF NURSING

In the Matter of
Edmund A. Bouley, R.N.
License No. 178506-5

STIPULATION AND CONSENT ORDER

STIPULATION

Edmund A. Bouley, R.N., C.N.S. ("Licensee"), and the Minnesota Board of Nursing Review Panel ("Review Panel") agree the above-referenced matter may be resolved without trial of any issue or fact as follows:

I.

JURISDICTION

1. The Minnesota Board of Nursing ("Board") is authorized pursuant to Minnesota Statutes sections 148.171 to 148.285 to license and regulate registered nurses and to take disciplinary action as appropriate.

2. Licensee holds a license from the Board to practice professional nursing in the State of Minnesota and is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation and Consent Order.

II.

BACKGROUND

3. On October 12, 2012, the Board received the results of an investigation of Licensee's practice by the Office of the Attorney General. On November 15, 2012, Licensee contacted the Board regarding the investigation and indicated he would no longer be living or practicing in Minnesota. Following a thorough review of all available information, the Review Panel, composed of Stuart Williams, Board member, and Judy Reeve, Nursing Practice Specialist for the Board, determined the matter could be resolved by mail with a Stipulation and Consent Order for a voluntary surrender of Licensee's registration.

4. Licensee was advised by the Board's representatives that he may choose to be represented by legal counsel in this matter. Licensee knowingly waived legal representation. Hans Anderson, Assistant Attorney General, represents the Review Panel in this matter.

III.

FACTS

5. The parties agree this Stipulation and Consent Order is based upon the following facts:

a. On June 12, 2007, the Board of Nurse Examiners for the State of Texas issued an Agreed Order for Reprimand with Stipulations ("Texas Order"), reprimanding Licensee, requiring Licensee to complete continuing education in documentation and ethics, imposing a fine, and requiring Licensee's practice be supervised. The bases of the Texas Order included Licensee's prescribing in Texas after notification his application for prescribing authority had been denied, and his failure to properly document medication changes.

b. On October 12, 2012, the Board received the results of an investigation of Licensee's practice by the Office of the Attorney General, which indicated the following:

1) On April 3, 2012, Licensee's employment as a mental health clinical nurse specialist at a facility in Minnesota was terminated due to: repeated concerns Licensee was prescribing excessive doses and quantities of benzodiazepines, Licensee's continued prescribing of benzodiazepines and stimulants to clients known to abuse or sell them, Licensee's failure to spend sufficient time with clients during initial assessments, Licensee's decisions to take actions contrary to team recommendations without documenting any reasons for doing so, Licensee changing clients' medication without documented reasons, and documentation errors and omissions.

2) On April 27 to April 30, 2012, Licensee was hospitalized for his mental health.

3) On June 6, 2012, Licensee reported to his physician he had experienced decreased memory and mental functioning during the preceding year and a half. Licensee was recommended to obtain neuropsychological testing.

4) On June 14, 2012, the Board received Licensee's nursing registration renewal application. Licensee answered "No" to whether he had been fired from a nursing job in the last five years, had ever had disciplinary action against his nursing license in another state, or had any physical or mental illness which might impair his ability to practice nursing.

5) During an August 24, 2012, interview with the investigator, Licensee reported mental health and physical health diagnoses, including sleep difficulties and mood disorders, which he admitted impacted his ability to practice nursing.

c. On November 15, 2012, Licensee contacted the Board regarding the investigation. Licensee stated he has moved out of Minnesota, and would not be practicing nursing in Minnesota in the foreseeable future. Licensee stated he was willing to surrender his registration to practice in Minnesota.

IV.

LAWS

6. Licensee acknowledges the conduct described in section III. above constitutes a violation of Minnesota Statutes section 148.261, subdivision 1(4), (6), (7), (9), and (23), and justifies the disciplinary action described in section V. below.

V.

DISCIPLINARY ACTION

The parties agree the Board may take the following disciplinary action and require compliance with the following terms:

A. Voluntary Surrender

7. The Board accepts Licensee's **VOLUNTARY SURRENDER** of his registration to practice professional nursing. Licensee shall not engage in any act which constitutes the

practice of nursing as defined in Minnesota Statutes section 148.171 and shall not imply by words or conduct that Licensee is authorized to practice nursing.

8. If Licensee is in possession of his nursing registration certificate, Licensee shall surrender and personally deliver or mail the certificate to the Minnesota Board of Nursing, c/o Shirley A. Brekken, Executive Director, 2829 University Avenue S.E., Suite 200, Minneapolis, Minnesota 55414, within ten days of the date of this Order.

B. Reinstatement

9. Licensee may petition for reinstatement of his registration to practice professional nursing after Licensee is able to demonstrate by a preponderance of the evidence that Licensee is capable of practicing professional nursing in a fit and competent manner. At the time of Licensee's petition, Licensee shall meet with a Board Review Panel. The meeting with the Board Review Panel shall be scheduled after Licensee has complied with, at a minimum, the following:

a. Self-Report. Licensee shall submit to the Board a report from Licensee himself. The report shall be submitted at the time Licensee petitions for reinstatement of his registration. The report shall provide and address:

1) The type of employment in which Licensee has been involved;

2) Licensee's physical and mental health status, treatment plan, medications, and compliance with treatment;

3) Licensee's work schedule;

4) Licensee's future plans in nursing and the steps he has taken to prepare himself to return to nursing practice; and

5) Any other information Licensee believes would assist the Board in its ultimate review of this matter.

b. Report From Mental Health Treatment Professional. Licensee shall cause to be submitted to the Board a report from any mental health treatment professional whom Licensee consults while this Stipulation and Consent Order is in effect. The report shall be

submitted to the Board at the time Licensee petitions for reinstatement of his registration. Each report shall provide and address:

1) Verification the mental health professional has reviewed this Stipulation and Consent Order;

2) Identification of a plan of treatment, including any medications, devised for Licensee;

3) A statement of the involvement between Licensee and the mental health professional, including the number and frequency of meetings;

4) Licensee's progress with therapy and compliance with the treatment plan;

5) The mental health professional's conclusion as to the need for continuing therapy and Licensee's discontinuance of therapy; and

6) Any other information the mental health professional believes would assist the Board in its ultimate review of this matter.

c. Report From Health Care Professional. Licensee shall cause to be submitted to the Board a report from any health care professional whom Licensee consults for health, mental health, or chemical dependency treatment while this Stipulation and Consent Order is in effect. The reports shall be submitted at the time Licensee petitions for reinstatement of his registration. Each report shall provide and address:

1) Verification the health care professional has reviewed this Stipulation and Consent Order;

2) Identification of diagnoses and any plans of treatment, including medications, devised for Licensee;

3) Licensee's progress with therapy and compliance with the treatment plan;

4) A statement regarding Licensee's mental health status;

5) Recommendations for additional treatment, therapy, or monitoring; and

6) Any other information the health care professional believes would assist the Board in its ultimate review of this matter.

d. Report of Prescribed Mood-Altering Chemicals. Licensee shall cause to be submitted to the Board a report from any and all physicians, dentists, and other authorized health care professionals who have prescribed mood-altering chemicals for Licensee during the period this Stipulation and Consent Order is in effect. Each report is due at the time of petition and shall provide and address:

1) The name, dosage, frequency, and purpose of the mood-altering chemicals for Licensee;

2) Confirmation the physician, dentist, or other health care professional has been informed of Licensee's chemical dependency history; and

3) Any other information the reporter believes would assist the Board in its ultimate review of this matter.

e. Mental Health Evaluation. During the petition process, the Board may direct Licensee to obtain a mental health evaluation. Licensee must undergo a mental health evaluation performed by a psychiatrist or a licensed psychologist, within two months of being directed to do so by Board staff. Licensee shall submit, or cause to be submitted, the credentials of the evaluator for review and pre-approval by Board staff for purposes of this evaluation. Licensee is responsible for the cost of the evaluation. The results shall be sent directly to the Board and shall provide and address:

1) Verification the evaluator has reviewed a copy of this Stipulation and Consent Order;

2) Diagnosis and any recommended treatment plan;

3) Licensee's ability to handle stress;

4) Recommendations for additional evaluation or treatment; and

5) Any other information the evaluator believes would assist the Board in its ultimate review of this matter.

f. Compliance With Evaluator's Recommendations. Licensee shall comply promptly with any recommendations for additional evaluation and treatment made by the mental health evaluator.

g. Waivers. If requested by the Board at any time during the petition process, Licensee shall complete and sign health records waivers and chemical dependency treatment records waivers supplied by the Board to allow representatives of the Board to discuss Licensee's case with and to obtain written evaluations and reports and copies of all of Licensee's health, mental health, or chemical dependency records from his physician, mental health professional/therapist, chemical dependency counselor, or others from whom Licensee has sought or obtained treatment, support, or assistance.

h. Additional Information. Licensee shall provide any additional information relevant to his petition reasonably requested by the Review Panel.

i. Reregistration Requirements. Licensee shall meet all reregistration requirements in effect at the time of his petition to reinstate his registration, including but not limited to completing the appropriate application, paying the requisite fees, and completing any necessary continuing education requirements.

10. The Board may, at any regularly scheduled meeting following Licensee's petition for reinstatement pursuant to paragraph 9 above, take any of the following actions:

a. Grant nursing registration to Licensee;

b. Grant nursing registration to Licensee with limitations upon the scope of Licensee's practice and/or with conditions for Licensee's practice; or

c. Deny Licensee's request for issuance of nursing registration based upon his failure to meet the burden of proof.

VI.

CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

11. If Licensee fails to comply with or violates this Stipulation and Consent Order the Review Panel may, in its discretion, seek additional discipline either by initiating a contested case proceeding pursuant to Minnesota Statutes chapter 14 or by bringing the matter directly to the Board pursuant to the following procedure:

a. The Review Panel shall schedule a hearing before the Board. At least 20 days prior to the hearing, the Review Panel shall mail Licensee a notice of the violation(s) alleged by the Review Panel. In addition, the notice shall designate the time and place of the hearing. Within ten days after the notice is mailed, Licensee shall submit a written response to the allegations. If Licensee does not submit a timely response to the Board, the allegations may be deemed admitted.

b. The Review Panel, in its discretion, may schedule a conference with the Licensee prior to the hearing before the Board to discuss the allegations and to attempt to resolve the allegations through agreement.

c. Prior to the hearing before the Board, the Review Panel and Licensee may submit affidavits and written argument in support of their positions. At the hearing, the Review Panel and Licensee may present oral argument. Argument shall not refer to matters outside the record. The evidentiary record shall be limited to the affidavits submitted prior to the hearing and this Stipulation and Consent Order. Unless stated otherwise in this Stipulation and Consent Order, the Review Panel shall have the burden of proving by a preponderance of the evidence that a violation has occurred. If Licensee has failed to submit a timely response to the allegations, Licensee may not contest the allegations, but may present argument concerning the appropriateness of additional discipline. Licensee waives a hearing before an administrative law judge, discovery, cross-examination of adverse witnesses, and other procedures governing hearings pursuant to Minnesota Statutes chapter 14.

d. Licensee's correction of a violation prior to the conference, hearing, or meeting of the Board may be taken into account by the Board but shall not limit the Board's authority to impose discipline for the violation. A decision by the Review Panel not to seek discipline when it first learns of a violation will not waive the Review Panel's right to later seek discipline for that violation, either alone or in combination with other violations, at any time while this order is in effect.

e. Following the hearing, the Board will deliberate confidentially. If the allegations are not proved, the Board will dismiss the allegations. If a violation is proved, the Board may impose additional discipline, including revocation of Licensee's license.

f. Nothing herein shall limit the Review Panel's or the Board's right to temporarily suspend Licensee's license pursuant to Minnesota Statutes section 148.262, subdivision 3, based on a violation of this Stipulation and Consent Order or based on conduct of Licensee not specifically referred to herein. Similarly, nothing herein shall limit the Review Panel's or the Board's right to automatically suspend Licensee's license pursuant to Minnesota Statutes section 148.262, subdivision 2.

VII.

ADDITIONAL INFORMATION

12. Within ten days of execution of this Stipulation and Consent Order, Licensee shall provide the Board with the names of all states in which Licensee is licensed to practice professional or practical nursing or has applied for licensure as a professional or practical nurse.

13. Licensee waives the contested case hearing and all other procedures before the Board to which Licensee may be entitled under the Minnesota and United States constitutions, statutes, or rules.

14. Licensee waives any claims against the Board, the Minnesota Attorney General, the State of Minnesota, and their agents, employees, and representatives related to the investigation of the conduct herein, or the negotiation or execution of this Stipulation and Consent Order, which may otherwise be available to Licensee.

15. This Stipulation and Consent Order, the files, records, and proceedings associated with this matter shall constitute the entire record and may be reviewed by the Board in its consideration of this matter.

16. Either party may seek enforcement of this Stipulation and Consent Order in any appropriate civil court.

17. Licensee has read, understands, and agrees to this Stipulation and Consent Order and has voluntarily signed the Stipulation and Consent Order. Licensee is aware this Stipulation and Consent Order must be approved by the Board before it goes into effect. The Board may approve the Stipulation and Consent Order as proposed, approve it subject to specified change, or reject it. If the changes are acceptable to Licensee, the Stipulation and Consent Order will take effect and the order as modified will be issued. If the changes are unacceptable to Licensee or the Board rejects the Stipulation and Consent Order, it will be of no effect except as specified in the following paragraph.

18. Licensee agrees that if the Board rejects this Stipulation and Consent Order or a lesser remedy than indicated in this settlement, and this case comes again before the Board, Licensee will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation and Consent Order or of any records relating to it.

19. This Stipulation and Consent Order shall not limit the Board's authority to proceed against Licensee by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or admission of Licensee which constitutes grounds for disciplinary action and which is not directly related to the specific facts and circumstances set forth herein.

VIII.

DATA PRACTICES NOTICES

20. This Stipulation and Consent Order constitutes disciplinary action by the Board and is classified as public data pursuant to Minnesota Statutes section 13.41, subdivision 5. Data regarding this action will be provided to data banks as required by Federal law or consistent with Board policy. While this Stipulation and Consent Order is in effect, information obtained by the

Board pursuant to this Order is considered active investigative data on a licensed health professional, and as such, is classified as confidential data pursuant to Minnesota Statutes section 13.41, subdivision 4.

21. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies this Stipulation.

CONSENT:

BOARD OF NURSING
REVIEW PANEL

Edmund A. Bouley, R.N.
EDMUND A. BOULEY, R.N.
Licensee

Dated: Nov. 28, 2012

Stuart T. Williams
STUART WILLIAMS
Board Member

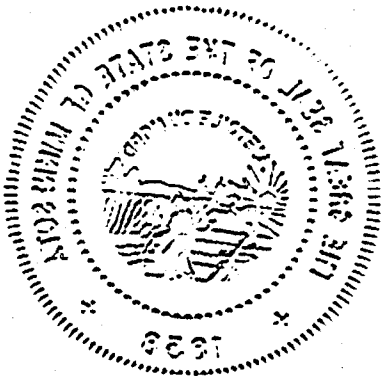
Dated: 12/6, 2012

ORDER

Upon consideration of the Stipulation, the Board accepts the **VOLUNTARY SURRENDER** of Licensee's registration and adopts all of the terms described above on this 6th day of December, 2012.

MINNESOTA BOARD
OF NURSING

Shirley A. Brekken
SHIRLEY A. BREKKEN
Executive Director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